

TOWNSHIP OF MIDDLETOWN SEWERAGE AUTHORITY

ADMINISTRATION OFFICE
CENTER AVENUE, BELFORD, NJ 07718
AGENDA FOR REGULAR MEETING

JULY 21, 2014 8:00 p.m.

-1-

MEETING CALLED TO ORDER

AT P.M. BY CHAIRPERSON BOUW

PLEDGE OF ALLEGIANCE

MEETING STATEMENT

ROLL CALL

MR. OSTRANDER ✓
MR. ROGERS ✓
MRS. SMITH ✓
MR. STOKES ✓
MR. WREDE ✓
MR. ZAPCIC ✓
MRS. BOUW ✓

MINUTES OF REGULAR MEETING (1)

JUNE 16, 2014

M _____ S _____

MO ___ CR ___ JS ___ TS ___ EW ___ AZ ___ CB ___

CONSENT AGENDA (2)

RESOLUTIONS 61/14 THRU 64/14

M _____ S _____

MO ___ CR ___ JS ___ TS ___ EW ___ AZ ___ CB ___

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TREASURER'S REPORT
OPERATING BILLS

(3)

RES. 61/14 APPROVING PAYMENT OF
OPERATING BILLS IN AMOUNT OF \$333,776.41

M_____S_____

MO__CR__JS__TS__EW__AZ__CB__

CONSTRUCTION FUND

(4)

RES. 62/14 APPROVING PAYMENT OF
CONSTRUCTION FUND BILLS OF \$906,180.53

M_____S_____

MO__CR__JS__TS__EW__AZ__CB__

REVENUE FUND REQ. 7/2014

(5)

RES. 63/14 APPROVING REVENUE FUND
REQ. 7/2014 IN THE AMOUNT OF \$558,776.41

M_____S_____

MO__CR__JS__TS__EW__AZ__CB__

GENERAL FUND

(6)

RES. 64/14 APPROVING TRANSFER FROM THE
THE GENERAL FUND TO THE CONSTRUCTION
ACCOUNT IN THE AMOUNT OF \$906,180.53

M_____S_____

MO__CR__JS__TS__EW__AZ__CB__

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ENGINEER'S STATUS REPORT:

HURRICANE SANDY SUPPORT SERVICES

(7)

MAIN STREET REPAIR/REPLACEMENT
EVALUATION REPORT

PUMP STATION EMERGENCY
FACILITIES EVALUATION

PUMP STATION SUSCEPTIBILITY TO
FLOODING EVALUATION

EMORY DRIVE PUMP STATION FORCE MAIN

EMORY DRIVE PUMP STATION IMPROVEMENTS

NJEIT FUNDED PROJECTS

CONTROL BUILDING FLOOR SLAB REPAIR

2014 ANNUAL CONTRACT FOR SANITARY SEWER SYSTEM AND
SERVICE LATERAL REPAIRS

2014 ANNUAL CONTRACT FOR SANITARY SEWER CLEANING
AND TV INSPECTION

ENGINEER'S SUB-DIVISION REPORT: NONE

EMORY DRIVE PUMP STATION
MODIFICATIONS CHANGE
ORDER NO. 1

(8)

RES 65/14 APPROVING CHANGE ORDER NO. 1 TIME
EXTENSION

AWARD OF CONTRACT

(9)

RES 66 /14 AWARDED THE CONTRACT FOR CONTROL ROOM
FLOOR RECONSTRUCTION TO WILLIAM KOHL CONSTRUCTION .
FOR \$99,700.00

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EXECUTIVE DIRECTOR'S REPORT:

MONTHLY STATUS REPORT	(10)	JULY 14, 2014
FAIRVIEW FORCE MAIN REPAIR	(10A)	
PROPOSED ENTRANCE WAY MODIFICATIONS	(10B)	
HIRING RESOLUTION	(11)	RES 67/14 AUTHORIZING THE HIRING OF ROBERT SIEMER AS A PROBATIONARY EMPLOYEE
RULES AND REGULATIONS	(12)	RES 68/14 AUTHORIZING THE REMOVAL OF POLLUTION LIABILITY INSURANCE REQUIREMENTS FROM THE TOMSA RULES AND REGULATIONS
AWARD OF CONTRACT	(13)	RES 69/14 AWARDING THE CONTRACT FOR "SUPPLY AND DELIVERY OF SODIUM HYPOCHLORITE" TO JCI JONES CHEMICALS, INC. FOR A PERIOD OF TWO YEARS.
GROUP AFFIDAVIT	(14)	RES 70/14 CERTIFYING THAT THE 2013 FINANCIAL AUDIT HAS BEEN REVIEWED BY THE BOARD
RESOLUTION FOR SPECIAL COUNSEL	(15)	RES /14 FOR SPECIAL COUNSEL
RESOLUTION AUTHORIZING TWA FORM SIGNATURE	(16)	RES 72/14 AUTHORIZING SIGNATURES FOR THE NJDEP TREATMENT WORKS APPROVAL FORMS
CONSTRUCTION FUND ANALYSIS	(17)	ANALYSIS OF FUNDS AVAILABLE AND THREE (3) YEAR PROJECTIONS.
BUDGET ANALYSIS	(18)	OPERATING BUDGET ANALYSIS THRU MAY 31, 2014
<u>STAFF ENGINEER'S REPORT</u>	(19)	JULY 9, 2014
<u>MAINTENANCE DEPT</u>	(20)	JUNE 2014 PROJECT REPORT WORK ORDERS
<u>PUBLIC COMMENTS</u>		
<u>EXECUTIVE SESSION</u>	(21)	

EXECUTIVE MINUTES 6/16/14

ADJOURNMENT:

AT _____ P.M.

MINUTES
TOMSA board meeting
Monday, July 21, 2014

The meeting was video recorded. Unlike many past meetings, including the June 2014 meeting, when noise from the HVAC duct made discussion inaudible, the HVAC system was off at this meeting. If you have any questions about what was discussed, call TOMSA at 732-495-1010.

The **public meeting** began at 8:03 p.m. and ended at 9:40 p.m. An **executive session** began at 9:50 p.m.

ATTENDANCE:

Board members present: Michael Ostrander (alternate), Emil Wrede (vice chair), Chantal Bouw (chair), Andrew Zapcic, Joan Smith (Secretary/Treasurer), Tom Stokes (alternate), and Charles Rogers.

Board members absent: none

Also present were Raymond Nierstedt (director), John Van Dorpe (engineer), William Meyler (auditor), Brian Rischman (staff engineer), George Nole (maintenance manager), Brian Hrycyk (superintendent), Marie Schillberg (recording secretary), and Peter Soriero (risk manager).

Absent: Richard Leahey (attorney)

There were one public attendee.

Listed below are some of the main items of discussion at the meeting.

The minutes for the June 16, 2014 regular meeting were adopted. The agenda does not state if these are the minutes for the public session or executive session or both, but typically the minutes adopted here are the public session minutes only. It was clarified during public comments that only the public session minutes for June were adopted.

The consent agenda was adopted (**Resolutions 61/14 through 64/14**). This includes payment of operating bills, payment from certain accounts and movement of monies between accounts designated for specific purposes. The director noted that this month's payments are high due to inclusion of debt service payment.

Engineer's Report:

- **Resolution 65/14** – Adopted. Change order No .1 for Emory Drive pump station modifications.
- **Resolution 66/14** – Adopted. Awards the contract for the control room floor repair to William Kohl Construction. Contract amount \$99,700. This was the only bid received.

Executive Director's report:

- No lost time accident for June
- The fine screen damaged by a log in late April / early May rains has been repaired (see May minutes for discussion).
- Flow was 5.66 million gallons per day in June; there were 29 service calls, and 2 odor complaints. The latter were related to a broken water main.
- A for-sale 2006 collection vehicle was advertised twice but not sold. It will be packaged together with other items.
- The open position for second shift operator has been filled (hire resolution adopted at this meeting).
- There was discussion of implementing a fine for illegal sewer hook-ups. There is none currently.
- There was a discussion of the treatment chemicals used by TOMSA and what other utilities are using. It was noted that some other plants are using no chemicals, just ultraviolet light.
- The Fairview force main repair was discussed. The pipe was damaged by a NJ Transit work crew on June 19. The five foot crack was temporarily repaired with a 3-ft wide clamp. It was noted that the existing pipe is made of ductile material, which is more resistant to breakage but not immune.
- Entryway ADA modifications were discussed. John VanDorpe will look into grant monies for upgrades.
- **Resolution 67/14** – Adopted. Authorizes the hiring of Robert Siemer as operator, 2nd shift.
- **Resolution 68/14** – Tabled. The resolution would remove the pollution liability insurance requirement for subcontractors. Peter Soriero opined that the private property owner has liability. Various scenarios were discussed, and the issue was tabled pending further research.

- **Res. 69/14** – Adopted. Awards 2-year contract for sodium hypochlorite supply & delivery to JCI Jones Chemicals, Inc.
- **Res. 70/14** – Adopted. Certifies the board reviewed the 2013 financial audit.
- **Res. 71/14** – Tabled. Resolution to hire special counsel. The board did not state the purpose.
- **Res. 72/14** – Adopted. Authorizing signatures for NJDEP forms.
- Construction fund analysis - The large payment this month is due to bond payment.

Staff engineer's report:

- There was discussion of an Asian food restaurant (no name given) that had caused a significant blockage by pouring grease down the drain and failing to maintain its grease trap. The problem was severe. There was discussion of issuing a fine and other remedies.

PUBLIC COMMENT PERIOD:

Resident Linda Baum commented as follows:

- Ms. Baum asked if there was a grease collection bin outside the Asian restaurant that had caused the blockage. The staff engineer said he didn't know. Ms. Baum said it is her understanding that grease bins are the norm now and that it's big business. She suggested that TOMSA seek to educate the restaurant's owner that the used oil is a valuable commodity, and she provided the names and phone numbers of two companies that collect it. She said this approach benefits everyone – the environment, TOMSA, taxpayers, and the restaurant owner, who stands to make some money.
- Baum asked what the purpose is of hiring special counsel. She was told it would be addressed at the next meeting.
- Baum noted that a public notice appeared in the paper about a month ago announcing a contract award but failed to mention either the contract amount or the name of the recipient. She said that both pieces of information should be provided in a resolution or public notice for the sake of transparency.
- Baum asked what minutes had been adopted at this meeting. The public session minutes for June, she was told. Baum said it was evident that the board is still adopting executive session minutes during executive session, which is improper. That vote should occur during public session, she noted.
- Baum pointed out that the public session minutes for almost every meeting list the same short phrase about her comments with no further explanation: "*Linda Baum had comments about the Authority's operation.*" Baum noted that the minutes are a boiler plate from one meeting to the next, with changes to little besides date, attendance and resolution numbers. She said that it is not likely these minutes meet the recording standard for public agencies.

Following the public comment period, board member Tom Stokes read a general statement announcing the board's intent to enter **executive session**.

Ms. Baum said that the general statement was not compliant with OPMA rules. The chairwoman asked Ms. Baum to explain. Baum said that the board could either have a written executive session resolution or make a verbal motion to enter executive session (the latter is what TOMSA does), but that in either case the specific issues to be discussed must be provided. Baum said that if the reason for the executive session is litigation, for example, that the case name or potential litigant should be mentioned, or nature of the case. Baum suggested that township attorney Brian Nelson be consulted if the board had questions.

Stokes once again read the same general statement, offering no additional detail. The board voted to close the public meeting. The executive session began at about 9:50 PM.